

**JUDGE HOLWELL**

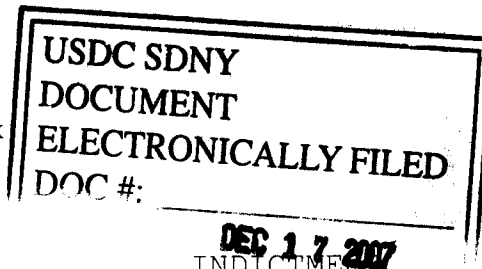
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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UNITED STATES OF AMERICA

- v. -

RONY ORTIZ,  
RICARDO ORTIZ,  
a/k/a "David Cruz," and  
RUBEN ANTONIO ARIAS-JAVIER,

Defendants.  
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07 Cr.

**07 Cr. 1186**

**COUNT ONE**

The Grand Jury charges:

1. From on or about August 19, 2007 through on or about August 21, 2007, in the Southern District of New York and elsewhere, RONY ORTIZ, RICARDO ORTIZ, a/k/a "David Cruz," and RUBEN ANTONIO ARIAS-JAVIER, the defendants, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that RONY ORTIZ, RICARDO ORTIZ, a/k/a "David Cruz," and RUBEN ANTONIO ARIAS-JAVIER, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 3,4 methylenedioxy-methamphetamine ("MDMA"), in violation of Sections 812, 841(a)(1) and 841(b)(1)(C) of Title 21, United States Code.

Overt Acts

3. In furtherance of the conspiracy, and to achieve the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about August 21, 2007, RICARDO ORTIZ, a/k/a "David Cruz," the defendant, received a package containing ecstasy pills in the Bronx, New York.

b. On or about August 21, 2007, RONY ORTIZ and RUBEN ANTONIO ARIAS-JAVIER, the defendants, traveled to an address in the Bronx, New York in order to receive a package containing ecstasy pills.

(Title 21, United States Code, Section 846.)

**FORFEITURE ALLEGATION**

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, RONY ORTIZ, RICARDO ORTIZ, a/k/a "David Cruz," and RUBEN ANTONIO ARIAS-JAVIER, the defendants, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment.

**Substitute Asset Provision**

5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third person;
3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value; or
5. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)

  
Foreperson MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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INDICTMENT

07 Cr.

(21 U.S.C. § 846.)

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MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

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*Armando Cepeda*  
Foreperson.

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*Filed Ind.*

*Ellis J.*